

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

Zhejiang Medicine Co., Ltd.,)	
and)	
ZMC-USA L.L.C.,)	
)	Civil Action No. 4:11-cv-1052 (VDG)
Plaintiffs,)	
)	
v.)	JURY TRIAL DEMANDED
)	
Kaneka Corporation,)	
)	
Defendant.)	
)	
)	

STIPULATION

Plaintiffs Zhejiang Medicine Co., Ltd. and ZMC-USA L.L.C. (collectively “ZMC”) and Defendant Kaneka Corporation (“Kaneka”) (ZMC and Kaneka, collectively, the “Parties”) hereby agree and stipulate as follows:

1) The parties agree to extend the dates for a) Designation of expert witnesses on non-claim construction issues on which the party has the burden of proof, and service of expert witness reports, and b) Designation of responsive expert witnesses on non-claim construction issues on which the party does not have the burden of proof, and service of responsive expert witness reports, to October 28, 2013 and November 26, 2013, respectively.¹

2) Kaneka will produce documents referenced in ZMC’s counsel’s August 22, 2013 email that were the subject of previous document requests, with the exception of document categories 33 and 35 as referenced in said email, and will produce documents requested in ZMC’s Sixth Requests for Production (as amended pursuant to agreement between the Parties

¹ The parties will file an agreed motion with the Court seeking to adjust the dates in the Supplemental Scheduling Order [Dkt. No. 100] that may be affected by this Stipulation.

reflected in emails between counsel for the Parties on September 26 and September 27, 2013) and ZMC's Seventh Requests for Production, all production to occur on a rolling basis beginning September 30, 2013 and to be completed no later than October 17, 2013. For avoidance of doubt, the responses to the Sixth and Seventh Requests for Production will include production of all documents, and not merely written responses to those requests with documents to be provided later, and such production will occur on a rolling basis beginning September 30, 2013 and to be completed no later than October 17, 2013.

3) Kaneka stipulates that it is seeking damages based on a reasonable royalty theory and will not seek damages based on lost profits or price erosion.

4) The parties agree that Kaneka's facility in Houston will be available for inspection and taking of samples on November 14-15, 2013.

Dated: September 27, 2013

Respectfully submitted,

Of Counsel

Trenton L. Menning
State Bar No. 24041473
S.D. Tex. No. 934494
tmenning@mayerbrown.com
Quinn N. McNeal
qmcneal@mayerbrown.com
State Bar No. 24074690
Admission pending
Mayer Brown LLP
700 Louisiana Street, Suite 3400
Houston, TX 77002-2730

Gary M. Hnath
Mayer Brown LLP
ghnath@mayerbrown.com
1999 K Street, N.W
Washington, DC 20006-1101
202-263-3000 (telephone)
202-263-5340 (facsimile)

Pro hac vice

BY: /s/ Gary M. Hnath
Mark D. Manela
State Bar No. 12894500
S.D. Tex. No. 1824
mmanela@mayerbrown.com
Mayer Brown LLP
700 Louisiana Street, Suite 3400
Houston, TX 77002-2730
713-238-2645 (telephone)
713-238-4645 (facsimile)

Attorney-in-Charge

ATTORNEYS FOR PLAINTIFFS
ZHEJIANG MEDICINE CO., LTD. and ZMC-
USA L.L.C.

BY: /s/ Keith Nowak
KEITH NOWAK
NY # 1628825
WILLIAM SONDERICKER
NY # 1571439
CARTER LEDYARD & MILBURN LLP
2 WALL STREET
NEW YORK, NY 10005
PHONE: (212) 238-8610
FAX: (212) 732-3232
EMAIL: NOWAK@CLM.COM

John Wesley Raley, III
Robert M. Bowick
Brian K. Wunder
RALEY & BOWICK, L.P.
1800 Augusta Dr., Suite 300
Houston, Texas 77057
Phone: (713) 429 - 8050
Fax: (713) 429 - 8045
jralley@raleypbowick.com
rbowick@raleypbowick.com
BWunder@raleypbowick.com
www.raleypbowick.com

ATTORNEYS FOR DEFENDANT KANEKA
CORPORATION

CERTIFICATE OF SERVICE

I certify that on the 27th day of September, 2013, a true and correct copy of the foregoing document was electronically filed with the Clerk of Court using the CM/ECF system, which will automatically send notification of such filing to all attorneys of record.

/s/ Gary M. Hnath